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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Marvin BYRD

Appln. No.: 10/050,393

Filing Date: 01/16/2002

For: COMPANION RIDE WHEEL CHAIR

Art Unit: 3611

Examiner: Lee S. Lum

Confirmation No. 6190

Washington, D.C.

April 10th, 2003

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JAN 30 2004

OFFICE OF PETITIONS

Petition to make special under 37 CFR 1.102 c

Honorable Commissioner of Patents

Washington D.C. 20231

Sir;

The state of health of the Applicant is such that he might no be able to assist the prosecution of the application if it were to run its normal course. This is evidenced by the letter from The George Washington University Hospital attached hereto and made a part hereof by reference in Exhibit A. I request your consideration to expedite the examination in view of Applicant's health.

John Dodds

Attorney of the Applicant

Reg. No. 45533

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GROUP 3611



To whom it may concern:

This letter is provided upon the request of Mr. Marvin Byrd by George Washington University Hospital to certify that he was hospitalized between 3/19/03 to 4/3/03 for treatment of a serious medical condition. He will be discharged to a skilled Nursing facility to spend at least six more weeks to receive further treatment. For further inquiries please call (202)-715-4000.

Thank you

Medical Intern.  
H. Yarkemchik 5138  
George Washington  
University Hospital.



1-26-04

*Law offices of*  
**DODDS & ASSOCIATES**

www.doddsassociates.com  
E-mail: j.dodds@doddsassociates.com

1707 N. St., NW, Washington DC 20036  
Tel: (202) 463-3275 Cellular (202) 276-1289 Fax (202) 463-3278

APPLICATION no 10/050,393

Inventor: BYRD, Marvin

Filing Date 01/16/2002

Confirmation number 6190

Art Unit 3611

Examiner: Lum, Lee S

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**JAN 30 2004**

**OFFICE OF PETITIONS**

Washington DC. January 23<sup>rd</sup>, 2004

Mail Stop Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria

VA 22313-1450

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**FEB 04 2004**

**GENERAL 3000**

**PETITION TO THE COMMISSIONER UNDER 37 CFR 1.181**

Sir;

This is to petition to remove the abandonment of the patent application 10/050,393. The application has been abandoned due applicant's failure to reply the office action mailed on March 3rd 2003.

The applicant has properly replied the office action and the USPTO has received the reply on April 9<sup>th</sup> 2004. Enclosed herein for evidence is a copy of certification of Express mail, copy of Express mail receipt and a copy of the self addressed post card that

the USPTO has stamped on April 9<sup>th</sup> 200<sup>3</sup>4. Enclosed also is a copy of the reply to the office action as it was originally mailed.

The reply included a petition to make special due to the poor health condition of the applicant.

I request the Office to take immediate actions to examine the reply.

Yours truly;

A handwritten signature in black ink, appearing to read 'John Dodds', with a stylized, cursive script.

John Dodds

Reg No. 45533

Cc. File



EXPRESS MAILING NUMBER ER 125483559 US

Date of deposit January 23<sup>rd</sup>, 2004

I hereby certify that the below listed documents are deposited with the United States Postal Service Express Mail Post Office to Addressee service under 37 CFR 1.10 on the date indicated above and are addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Typed or printed name of the person mailing the documents:

Susanne Somersalo

Signature: \_\_\_\_\_

*/marc /mlu*

Application no 10/050,393

Inventor: Marvin Byrd

Enclosed is: Petition to the Commissioner 1p

Fee transmittal form 1p

Check for \$130

Copy of express mail receipt of April 9<sup>th</sup> 2003

Copy of self addressed postcard stamped on April 9<sup>th</sup> 2003 by USPTO

Copy of express mail certificate dated on April 10<sup>th</sup> 2003

Copy of reply to Office Action as file on April 9<sup>th</sup> 2003 including the following items:

Petition to make special 1p

Letter from GWU hospital 1p

Reply to Office action 13p

Substitute specification clean 11 p

Substitute specification marked up version 13p

Substitute drawings 5p

REC-111

FEB 0 2004

GROUP 3600



# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 130

## Complete if Known

Application Number	10/050,393
Filing Date	01/16/2002
First Named Inventor	Marvin Byrd
Examiner Name	Lee S Lum
Art Unit	3611
Attorney Docket No.	

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number  
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ )

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid
Independent		-20** =		X		
Multiple Dependent		-3** =		X		

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or data	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 130

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	John Dodds	Registration No. (Attorney/Agent)	45533	Telephone	202-463 32 7
Signature		Date	01/23/2004		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OFFICE OF PETITIONS



**POST OFFICE TO ADDRESSEE**



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BYRD

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MR. CYRIL

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**GROUP 3600**

The Patent Office date stamp sets  
forth the date of receipt of  
Applicant: MARVIN BYRD  
Application 10/050,393  
Filing date: 01/16/2002  
Confirmation No. 6190

Enclosed: Petition to make special 1p  
Letter from GWU hospital 1p  
Reply to office action 13p.  
Substitute specification  
Clean version 11p  
Substitute specification  
marked up vers. 13p  
Substitute drawings 5p.



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FEB 04 2004

GROUP 3600



Express mailing number EU003781093US  
Date of Deposit April 10 th, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to Commissioner for Patents, 20231 Washington D.C.

Susanne Somersalo

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Typed or printed name of person mailing paper or fee

*Susanne Somersalo*

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Signature of person mailing the paper or fee